



**DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
LONG RANGE PLANNING**

**MEMORANDUM**

TO: Clark County Planning Commission

FROM : Patrick Lee, Long Range Planning Manager

DATE: August 1, 2003

SUBJECT: Code Restructure Project; Adoption of a new CCC Title 40

CASE NUMBER: CCC 2001-003

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Clark County began a process in October 2001 to restructure the Clark County development code, working with the consulting firm of Angelo Eaton and Associates. The project came about because there has not been an overall review and update of the Clark County Code (CCC) since 1980. The goal of the project, called the Code Restructure Project, is a single title of the CCC, proposed to be Title 40 Unified Development Code, which has in it all regulations related to land development.

**TITLE 40 DEVELOPMENT**

One of the first things that was done was to identify a representative list of regular code users (developers, consultants, attorneys, etc.) and to interview them about ways to improve the organization of the development code. These interviews took place in December 2001 and January 2002. It was during this time that a table of contents was developed for the new title. A draft table of contents was presented to the Planning Commission at a January 17, 2002 work session. The Board of County Commissioners (BOCC) approved a draft table of contents at a January 30, 2002 work session.

The next step was the preparation of the Title 40 'rough cut', which was the result of re-arranging sections of the current code to fit the new table of contents. At this point work began to address the organizational and formatting challenges caused by the restructuring. Two staff advisory groups (the development technical advisory group, or DTAC, and the environmental technical advisory group, or ETAC) were formed to assist in this effort. The DTAC identified where there were inconsistencies, gaps or errors in the current code and helped in suggesting language to 'fix' these. The ETAC looked at possible changes to the critical areas ordinances. The county also contracted with Larry Epstein, a county hearings examiner, to help in the identification and resolution of issues.

Work sessions were held with the BOCC in August and September 2002 to discuss the list of identified issues developed by DTAC and ETAC, in anticipation of the first public open house on the restructure project. The open house was held in October 2002. Information on

the project was presented, and staff asked for feedback about identified issues that were proposed to be 'fixed' in the new Title 40. A check-in work session with the Planning Commission was held in October as well.

The next draft of Title 40 was the preliminary draft, completed in February 2003. The preliminary draft represented the first real version of how the new title would look. Efforts continued to standardize terminology and format as well as to resolve identified inconsistencies.

A work session on the public review draft was held with the BOCC on July 9th, at which the approval was given to go public with draft Title 40. The document was put on the county webpage, and hard copies were sent to county libraries. Title 40 was put on CD and sent for review to the original list of interviewees. Staff in Public Works and the ESA Office were also given copies to review. An open house on the public review draft was held July 29<sup>th</sup>.

## **TITLE 40 UNIFIED DEVELOPMENT CODE**

The public review draft is set up in a two-column format. The wide column has the text and any proposed changes in highlight and ~~striketrough~~. The narrow column has the current code citation and notes about why any changes were made to the section.

The process to develop draft CCC Title 40 Unified Development Code has resulted in the following:

### Organization

- The proposed Title 40 contains the road and concurrency standards from Title 12, the critical areas ordinances from Title 13, and all of Titles 17 (Land Division Ordinance), 18 (Zoning) and 20 (Clark County Environmental Policy Ordinance).
- Title 40 has a table of contents organized by subtitles: Subtitle 40.1 Administration; Subtitle 40.2 Zoning Districts; Subtitle 40.3 Design Standards; Subtitle 40.4 Critical Areas and Overlay Districts; Subtitle 40.5 Procedures; and Subtitle 40.6 Impact Fees. All development-related regulations were re-organized based on the new table of contents.

### Format

- Title 40 is proposed to be a single column, which will make finding subsections much easier. Section footers will also make it easier to navigate within the document.
- Lists of uses in zoning districts (Subtitle 40.2) have been replaced by use tables, with a format that is consistent throughout.
- Terminology and capitalization have been standardized (examples: the board, the county, the responsible official, the County Engineer)

### Content

- The prime directive of the reorganization is that no substantive changes would be made to the code, i.e., a land-use application would be processed exactly the same way under Title 40 as it would under the current code. What has been added in a few places is language that codifies current practice, and it is identified as such.
- Typographical errors and mis-references were corrected.

- 'Responsible official' replaces 'Director', 'planning director', 'planning manager' and other similar references.
- Application processing procedures (Types I-IV) have been separated and each given their own section. In the interest of streamlining, a universal list of application submittal requirements was created.
- An attempt was made to consolidate definitions where it seemed appropriate to do so. For example, the current code has seven definitions of the term 'development'. Duplicate definitions were deleted, as were definitions of terms not actually used in the code.
- There were also a few places where gaps or inconsistencies existed because of the creation of the use tables (Subtitle 40.2). Staff used code requirements and professional judgment to fill in the gaps and resolve the inconsistencies.

## **STAFF RECOMMENDATION**

Staff recommends the adoption of the new CCC Title 40 Unified Development Code. Staff believes that the code is better organized and in a better, more consistent format, meaning that it should be easier for most people to use.